



Indiana Pro Bono Commission  
One Indiana Square, Suite 530  
Indianapolis, IN 46204

Indiana Bar Foundation  
230 East Ohio Street, Suite 200  
Indianapolis, IN 46204

## COMBINED 2004 DISTRICT REPORT, 2006 PRO BONO GRANT APPLICATION, AND 2006 PLAN

Pro Bono District 12

Applicant: Judge Ted R. Todd

Mailing Address: Courthouse, 300 East Main Street

City: Madison, IN Zip: 47250

Phone: 812-265-8930 Fax: 812-265-8946

E-mail address: ttcir@jeffersoncoin.org Website address: none

Judicial Appointee: Ted R. Todd to June 30, 2005; G.Michael Witte thereafter

Plan Administrator: none at present

Names of Counties served: Dearborn, Jefferson, Ohio, Ripley and Switzerland

Percentage of volunteer attorneys (as defined on page 6) who accepted a pro bono case in 2004 per registered attorneys in district, i.e. the district's pro bono participation rate 21.1%  
To the extent the pro bono participation rate information is available by county, please provide below.

Amount of grant received for 2005: \$10,000

Amount of grant (2004 & prior years) projected to be unused as of 12/31/05: \$15,000

Amount requested for 2006: \$15,000

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**The following representations**, made to the best of our knowledge and belief, are being provided to the Indiana Pro Bono Commission and Indiana Bar Foundation in anticipation of their review and evaluation of our funding request and our commitment and value to our Pro Bono District.

**Operation under Rule 6.6**

In submitting this application for funding, this district is representing itself as having a Pro Bono Plan, which is pursuant to **Rule 6.6** of the Indiana Rules of Professional Conduct. The plan enables attorneys in our district to discharge their professional responsibilities to provide civil legal pro bono services; improves the overall delivery of civil legal services to persons of limited means by facilitating the integration and coordination of services provided by pro bono organizations and other legal assistance organizations in our district; and ensures access to high quality and timely pro bono civil legal services for persons of limited means by (1) fostering the development of new civil legal pro bono programs where needed and (2) supporting and improving the quality of existing civil legal pro bono programs. The plan also fosters the growth of a public service culture within the district which values civil legal pro bono publico service and promotes the ongoing development of financial and other resources for civil legal pro bono organizations.

We have adhered to **Rule 6.6** (f) by having a district pro bono committee composed of:

- A. the judge designated by the Supreme Court to preside;
- B. to the extent feasible, one or more representatives from each voluntary bar association in the district, one representative from each pro bono and legal assistance provider in the district, and one representative from each law school in the district; and
- C. at least two (2) community-at-large representatives, one of whom shall be a present or past recipient of pro bono public legal services.

We have determined the governance of our district pro bono committee as well as the terms of service of our members. Replacement and succession members are appointed by the judge designated by the Supreme Court.

Pursuant to **Rule 6.6** (g) to ensure an active and effective district pro bono program, we:

- A. prepare in written form, on an annual basis, a district pro bono plan, including any county sub-plans if appropriate, after evaluating the needs of the district and making a determination of presently available pro bono services;
- B. select and employ a plan administrator to provide the necessary coordination and administrative support for the district pro bono committee;
- C. implement the district pro bono plan and monitor its results; and
- D. submit an annual report to the Commission.

## **Commitment to Pro Bono Program Excellence**

We also understand that ultimately the measure of success for a civil legal services program, whether a staffed or volunteer attorney program, is the outcomes achieved for clients, and the relationship of these outcomes to clients' most critical legal needs. We agree to strive for the following hallmarks which are characteristics enhancing a pro bono program's ability to succeed in providing effective services addressing clients' critical needs.

- 1. Participation by the local bar associations and attorneys.** The associations and attorneys believe the program is necessary and beneficial.
- 2. Centrality of client needs.** The mission of the program is to provide high quality free civil legal services to low-income persons through volunteer attorneys. Client needs drive the program, balanced by the nature and quantity of resources available.
- 3. Program priorities.** The program engages in a priority-setting process, which determines what types of problems the program will address. Resources are allocated to matters of greatest impact on the client and are susceptible to civil legal resolution. The program calls on civil legal providers and other programs serving low-income people to assist in this process.
- 4. Direct representation component.** The core of the program is direct representation in which volunteer attorneys engage in advocacy on behalf of low-income persons. Adjunct programs such as advice clinics, pro se clinics and paralegal assistance are dictated by client needs and support the core program.
- 5. Coordination with state and local civil legal providers and bar associations.** The programs work cooperatively with the local civil legal providers. The partnerships between the civil legal providers and the local bar association results in a variety of benefits including sharing of expertise, coordination of services, and creative solutions to problems faced by the client community.
- 6. Accountability.** The program has mechanisms for evaluating the quality of service it provides. It expects and obtains reporting from participating attorneys concerning the progress/outcome of referred cases. It has the capability to demonstrate compliance with requirements imposed by its funding source(s), and it has a grievance procedure for the internal resolution of disputes between attorneys and clients.
- 7. Continuity.** The program has a form of governance, which ensures the program will survive changes in bar leadership, and has operational guidelines, which enable the program to survive a change in staff.
- 8. Cost-effectiveness.** The program maximizes the level of high quality civil legal services it provides in relationship to the total amount of funding received.

**9. Minimization of barriers.** The program addresses in a deliberate manner linguistic, sensory, physical and cultural barriers to clients' ability to receive services from the program. The program does not create undue administrative barriers to client access.

**10. Understanding of ethical considerations.** The program operates in a way which is consistent with the Rules of Professional Conduct; client confidentiality is assured and conflicts of interest are avoided. The staff and volunteers are respectful of clients and sensitive to their needs.

**11. ABA Standards.** The program is designed to be as consistent with the ABA Standards for Programs Providing Civil Pro Bono Legal Services to Persons of Limited Means as possible.

No events, shortages or irregularities have occurred and no facts have been discovered which would make the financial statements provided to you materially inaccurate or misleading. To our knowledge there is nothing reflecting unfavorably upon the honesty or integrity of members of our organization. We have accounted for all known or anticipated operating revenue and expense in preparing our funding request.

We agree to provide human-interest stories promoting Pro Bono activities in a timely manner upon request of the Indiana Bar Foundation or Indiana Pro Bono Commission. We further agree to make ourselves available to meet with the Pro Bono Commission and/or the Indiana Bar Foundation to answer any questions or provide any material requested which serves as verification/source documentation for the submitted information.

**Explanation of items stricken from the above Letter of Representation:**

6.6(f) C – We do not presently have a past recipient of pro bono publico legal services. The committee will attempt to correct this at its next meeting.

6.6(g) B – We do not currently have funds with which to attract a person who will stay in the position long enough to be useful to the purpose of the program. This is a struggle, but we will work toward it. Hopefully, our grant will be approved and we will be able to fill this slot next year.

**It is understood that this Letter does not replace the Grant Agreement or other documents required by the Indiana Bar Foundation or Indiana Pro Bono Commission.**

**Signatures:**

_____	June 30, 2005
<b>Judicial Appointee Signature</b>	<b>Date</b>
_____	_____
<b>Plan Administrator Signature</b>	<b>Date</b>

## 2006 PLAN SUMMARY

- 1. Please write a brief summary of the 2006 grant request. Please include information regarding your district's planned activities including committee meetings, training, attorney recognition, newspaper or magazine articles, marketing and promotion. The grant request should cover needs to be addressed, methods, target audience, anticipated outcomes, and how past difficulties will be addressed.**

The past years have been difficult for District 12's program. In 2001 District 12 combined with District 14 in having a joint plan administrator. Nancy Reschar served in that position from late summer 2001 until the late fall of 2002. At that time she resigned to take a position in a family business. We then split from District 14 and hired Ronald Nutter as part time plan administrator. Ron began in January of 2003, but resigned in August of 2003. Since that time we have been without an administrator. Amy Roth, the District 12 administrator, served until the end of 2003 as a liason as we worked to disentangle the finances and files from the two groups.

District 12 has, since the beginning, maintained a needed working relationship with Indiana Legal Services, Inc.'s New Albany office. This we are happily able to continue. We use ILSI to screen cases for two purposes: (1) financial eligibility, and (2) apparent legal merit. If the screening indicates further legal need, the application is sent to Michael J. Hollenbeck, an attorney and board member in Lawrenceburg, who then places it with an attorney in the county where the client resides. This system provides an effective way of meeting the needs of those cases ILSI would, but for the lack of manpower, service themselves. We pay Mr. Hollenbeck a modest fee to cover office expenses for this service.

ILSI also has served as the financial arm of the group.

Our efforts remain almost exclusively in the domestic area. That seems to be the central need of our area. Given the financial uncertainties and the rural nature of the area, we do not believe we can afford to hire an administrator at this time. It is hoped we can use our money to finance out of pocket expenses for more cases, and gain grass roots support of the bar for our efforts. Upon receipt of a grant for next year, we should be able to attract the service of a full time administrator.

In the past we have received some resistance from attorneys who perceive we are administratively top-heavy. We believe we are over that hurdle to a large part. That is the silver lining on the cloud that has passed over us. We took to the future firm in our belief that the pro bono aspect to practicing law is alive and well in this corner of the state. We wish to build on that good will.

By being able to take care of needed litigation expenses, we can encourage lawyers to take cases knowing they will be able to handle needed legal expenses without losing both time and money.

## REPORT OF VOLUNTEER ATTORNEY CASES IN DISTRICT 12

Please attach additional pages for each pro bono provider that receives IOLTA funding, whether directly or indirectly, in your district. See the sample additional pro bono provider page 6A. Please list each attorney only once in the volunteer attorney column but complete one line for each pro bono case for that attorney.

### Definitions:

Case: A legal matter referred to and accepted by a pro bono attorney volunteer. This includes mediation and GAL services.

Volunteer Attorney: An attorney who has rendered pro bono service to at least one low-income client during the year or accepted a pro bono referral from the identified program. This does not include attorneys who are on the list of pro bono volunteers but who have never taken a case. The case numbers do not include cases screened, only cases actually referred to a pro bono attorney.

Case Type: Please use the abbreviations listed in Indiana Supreme Court Administrative Rule 8(B)(3) or any other defined abbreviation.

**Name of Pro Bono Provider** (includes legal service provider, court, plan administrator, bar association, and other organizations): District 12 Pro Bono Committee

**IOLTA funding accounts for 100 % of total pro bono provider budget. Please state the percentage of volunteers and cases which are attributable to IOLTA funding 100 %. If this percentage is substantially more than the percentage of IOLTA funding, please explain.**

Volunteer Attorney Name	County	Year Case Accepted	Year Case Closed	Number of Hours	Case Type
Joseph M. Kisor	Dearborn	2004			Domestic
Robert J. Eubank	Dearborn	2004			Domestic
David L. Zerbe	Dearborn	2004			Domestic
Gary Sorge (1)	Dearborn	2004			Domestic
Gary Sorge (2)	Dearborn	2004			Domestic
Michael J. Hollenbeck(1)	Dearborn	2004			Guardian
Michael J. Hollenbeck(2)	Dearborn	2004			Domestic
Michael J. Hollenbeck(3)	Dearborn	2004			Landlord - Tenant
Martin DeJulia (1)	Dearborn	2004			Elder Law
Martin DeJulie (2)	Dearborn	2004			Domestic
Della Swincher	Dearborn	2004	2004	1	Domestic
Michelle Fentress (1)	Dearborn	2004			Domestic
Michelle Fentress (2)	Dearborn	2004			Domestic
Allison Schwartz (1)	Dearborn	2004			Domestic
Allison Schwartz (2)	Dearborn	2004			POA
Allison Schwartz (3)	Dearborn	2004			Domestic
<b>TOTAL:</b>		<b>TOTAL:</b>		<b>TOTAL:</b>	
Overall total number of volunteer attorneys:	<b>19</b>	Overall total number of cases accepted or pending:	<b>30</b>	Overall total hours on closed cases:	

**Name of Pro Bono Provider** (includes legal service provider, court, plan administrator, bar association, and other organizations): District 12 Pro Bono Committee

**IOLTA funding accounts for 100 % of total pro bono provider budget. Please state the percentage of volunteers and cases which are attributable to IOLTA funding 100 %. If this percentage is substantially more than the percentage of IOLTA funding, please explain.**

[illegible]

## INFORMATION ACTIVITY IN DISTRICT 12

This limited legal information chart can include activities such as pro se clinics and call-in or walk-in informational services.

Please attach additional pages for each pro bono provider that receives IOLTA funding, whether directly or indirectly, in your district. See the sample additional pro bono provider page 7A.

Please list each attorney only once in the volunteer attorney column but complete one line for each type of legal information activity for that attorney.

**Name of Pro Bono Provider** (includes legal service provider, court, plan administrator, bar association, and other organizations): District 12

Volunteer Attorney Name	County	Type of Activity	Number of Hours
<b>None</b>			
<b>TOTAL:</b>			<b>TOTAL:</b>
<b>OVERALL VOLUNTEER ATTORNEY TOTAL:</b>	<b>NONE</b>		<b>OVERALL HOURS TOTAL: N/A</b>



**Name of Pro Bono Provider** (includes legal service provider, court, plan administrator, bar association, and other organizations): \_\_\_\_\_

[illegible]

<b>2004 REPORT</b>
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**Please list your District's 2004 activities--including committee meetings, training, attorney recognition, newspaper or magazine articles, marketing and promotion--in chronological order.**

<b><u>Date</u></b>	<b><u>Activity</u></b>
April 27, 2004	Committee Meeting
September 14, 2004	Committee Meeting
December 14, 2004	Committee Meeting

<b>2004 REPORT</b>
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**Please provide a short summary of how the provision of pro bono service is coordinated in your district, including the intake process, the relationships of pro bono providers in the district, how referrals are made, and how reporting is done.**

Indiana Legal Services, Inc.'s New Albany office does screening of cases for financial need and probable legal merit. The cases are then sent to attorney Mike Hollenbeck's office in Lawrenceburg for assignment to an attorney whose office is in the county where the applicant resides. Those attorneys are to respond back to Mike when the case is complete.

**Please describe any special circumstances, including difficulties encountered, affecting your District's 2004 implementation of its plan.**

The lack of a full time administrator has hampered our outreach to persons who might need assistance but fail to meet the I.L.S. guidelines.

Although the number of attorneys participating as a percentage of our bar is good, it could be doubled with some consistent effort in that area.

## BUDGETS FOR 2004, 2005 AND 2006 FOR IOLTA FUNDS ONLY

Cost Category	2004 Actual Expenditures	2004 Budget	2005 Actual Expenditures To Date	2005 Budget	2006 Budget
<b>A. PERSONNEL COSTS</b>					
1. Plan Administrator					20,000
2. Paralegals					
3. Others- <b>Please explain</b>	767.25	500		0	
4. Employee benefits					
a. Insurance					
b. Retirement plans					
c. Other- <b>Please explain</b>					
5. Total Personnel Costs	767.25	500	2400		20,000
<b>B. NON-PERSONNEL COSTS</b>					
1. Occupancy					
2. Equipment rental					
3. Office supplies					
4. Telephone					
5. Travel		400		600	600
6. Training		500		600	600
7. Library					
8. Malpractice Insurance					
9. Dues and fees					
10. Audit					
11. Contingent reserve					
12. Litigation reserve					
13. Marketing and promotion		1000		1000	1000
14. Attorney recognition		500	418.29	500	600
15. Litigation Expenses (includes expert fees)	280	10,000	60	10,960	7,000
16. Property Acquisition					
17. Contract Services					
18. Grants to other pro bono providers	1800	1800	2400	2400	4000
19. Other- <b>Please explain</b>					
20. Total Non-Personnel Costs					15,000
<b>C. TOTAL EXPENDITURES</b>	2567.25	15,200	5278.29	16,060	35,000

IOLTA funds received **2004:** \$16,060 IOLTA funds received **2005:** \$10,000

## **Budget Narrative**

Please provide descriptions of the following line items in the foregoing budget chart, by item number, in the space provided.

Lines (A)(1), (2), (3) Please indicate the number of hours per week for each personnel position and rate of pay.

(A)(1) This spot is presently not filled. The rate of pay would depend on the qualifications of the person we hire.

(A)(3) We pay \$2,400 to Mike Hollenbeck for overhead and staff to handle placement of clients.

Line (B)(1) Please describe the occupancy cost in terms of square footage, utilities or other amenities and indicate whether the occupancy cost is above or below the market rate for that space.

N/A. We would hope the administrator could work out of their home or present office at no additional expense to the District.

(B)(18) We pay \$2,400 to Indiana Legal Services, Inc. for screening of potential **pro bono** clients.

<b>ANNUAL TIMETABLE FOR SUBMISSION OF FORMS AND CHECKS:</b>
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January 1:	Checks distributed
July 1:	Annual report, plan and grant application due to IPBC
November:	Notification of awards
<b>December 1:</b>	<b>IBF grant agreement due and revised budget due</b>